

UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF THE UNITED STATES TRUSTEE  
CHARLES F. MCVAY  
UNITED STATES TRUSTEE  
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UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

IN RE:

JOE JESSE MONGE AND  
ROSANA ELENA MONGE

DEBTOR

§  
§  
§  
§  
§  
§  
§

CASE NO. 09-30881-LMC  
CHAPTER 11

Hearing Date: None Requested

**MOTION OF THE UNITED STATES TRUSTEE TO DISMISS CASE**

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE  
TO YOUR INTERESTS.

IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY-ONE (21)  
DAYS FROM THE DATE OF SERVICE, THE RELIEF  
REQUESTED HEREIN MAY BE GRANTED WITHOUT A  
HEARING BEING HELD.

A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING  
TO BE HELD.

TO THE HONORABLE LEIF M. CLARK  
UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, CHARLES F. MCVAY, THE UNITED STATES TRUSTEE for Region 7 ("UST"), through the undersigned counsel, pursuant to 11 U.S.C. § 1112(b) and respectfully moves for an order dismissing the case and represents as follows:

1. This case was commenced upon the filing of a voluntary petition on April 27, 2009. As of the date the case was filed, Ms. Monge was working as a nurse practitioner and attending medical school. Mr. Monge was not working at the time. According to their schedules, he was receiving pension and VA disability payments. The schedules show that the debtors own interests in various entities and own a piece of real estate, other than their house, valued at \$702,150.00.

2. Pursuant to section 1121 of the Bankruptcy Code, the debtors were granted the exclusive right to file a plan of reorganization within 120 days from the petition date. The case is now more than nine months old, and the debtors have still not filed a plan of reorganization. Moreover, the bankruptcy docket does not reveal that they have taken any other action to move the case forward.

3. Under section 1112(b) of the Bankruptcy Code, the Bankruptcy Court shall convert a case to chapter 7 or dismiss a case, whichever is in the best interest of the estate, if the movant establishes cause, unless the court finds unusual circumstances that establish that conversion or dismissal of the case is not in the best interest of creditors and the estates. 11 U.S.C. § 1112(b).

4. In this case, cause exists to dismiss this case. Creditors have had to wait patiently for more than nine months, but no plan has come forward from the debtors. They should not be required to continue to wait. Moreover, the monthly operating reports filed in this case reveal that the debtors have had negative cash flow over each

of the last three months of the case. A continuing loss or diminution of the estate along with the absence of a reasonable likelihood of rehabilitation also provides cause for dismissing the case. 11 U.S.C. 1112(b)(4)(A) For these reasons, cause exists to dismiss the case, and the case should be dismissed.

5. In the event of dismissal, the UST requests that the Order provide for payment of any quarterly fees owed to the UST and any noticing fees owed to the Clerk of the Bankruptcy Court at the time of dismissal of the case. 28 U.S.C. § 1930.

WHEREFORE, the UST prays that the Court enter an Order dismissing the case, and for any and all further relief as is equitable and just.

Respectfully submitted,

CHARLES F. MCVAY  
UNITED STATES TRUSTEE  
REGION 7

By: /s/Kevin M. Epstein  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing UNITED STATES TRUSTEE'S MOTION TO DISMISS CASE, was served upon the parties listed on the attached Service List by United States Mail, first class, postage prepaid and/or by electronic means for all Pacer System participants on this the 28th day of January, 2010.

/s/ Kevin M. Epstein

Kevin M. Epstein

Trial Attorney

Label Matrix for local noticing  
0542-3  
Case 09-30881-lmc  
Western District of Texas  
El Paso  
Fri Jan 29 13:39:45 CST 2010

U.S. BANKRUPTCY COURT  
P.O. BOX 971040  
EL PASO, TX 79997-1040

AAFES/MIL STAR/EXCHANGE  
P O Box 740933  
Dallas,Tx 75374-0933

AT&T  
Attn: Bankruptcy Dept  
P O Box 57907  
Salt Lake City, UT 84157

Alicia Rojas  
105 Thoroughbred  
Santa Teresa, NM 88008-9130

Alicia Rojas and Francisco Jayme  
c/o Lane C. Reedman  
4171 North Mesa Street, Suite B-201  
El Paso, TX 79902-1431

Ascension Capital Group, Inc.  
Attn: Onyx Acceptance Corp Dept.  
P.O. Box 201347  
Arlington, TX 76006-1347

BAC Home Loans Servicing, L.P.  
7105 Corporate Drive  
PTX-B-35  
Plano, TX 75024-4100

BAC Home Loans Servicing, L.P.  
Polk, Prober 7 Raphael  
A Law Corporation  
20750 Ventura Boulevard, Suite 100  
Woodland Hills, CA 91364-6207

Bill Issac  
5880 Kingfield Ave  
El Paso, TX 79912

Capital One Auto Finance  
3901 N Dallas Pkwy  
Plano, TX 75093-7864

Carlos Mata  
5019 Alabama  
El Paso, TX 79930-2601

Citi  
Attn: Centralized Bankruptcy  
PO Box 20507  
Kansas City, MO 64195-0507

City of El Paso  
El Paso Tax Assessor/Collector  
PO Box 2992  
El Paso, TX 79999-2992

City of El Paso  
c/o David G. Aelvoet  
711 Navarro, Suite 300  
San Antonio, TX 78205-1749

City of El Paso Tax Assessor Collector  
c/o Linebarger, Goggan Blair & Sampson  
711 Navarro, Ste. 200  
San Antonio, TX 78205-1711

City of El Paso Tax Assessor/Collector  
P. O. Box 2992  
El Paso, TX 79999-2992

Countrywide Home Lending  
Attention: Bankruptcy SV-314B  
PO Box 5170  
Simi Valley, CA 93062-5170

Credit Management  
4200 International Pwy  
Carrollton, TX 75007-1912

Dona Ana County  
Jim D. Schoonover, Treasurer  
Property Tax Assessor  
845 N. Motel Blvd.  
Las Cruces, NM 88007-8100

Dona Ana County Treasurer  
David Gutierrez, Treasurer  
845 N. Motel Blvd  
Las Cruces, NM 88007-8100

El Paso Area Tchrs Fcu  
12020 Rojas Dr  
El Paso, TX 79936-7711

El Paso Area Teachers Federal  
Credit Union  
c/o Carlos A. Miranda III, P.C.  
5915 Silver Springs, Bldg. 3A  
El Paso, TX 79912-4126

El Paso Area Teachers Federal Credit Union  
Attn: Linda Aldeis, Collections Manager  
12020 Rojas Drive  
El Paso, Texas 79936-7711

Hector Phillips, P.C.  
1017 Montana Avenue  
El Paso, Texas 79902-5411

Hudspeth Appraisal District  
P. O. Box 429  
Sierra Blanca, TX 79851-0429

(p)INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 21126  
PHILADELPHIA PA 19114-0326

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51 Sierra Crest Dr.  
El Paso, TX 79902-1928

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San Antonio, TX 78295-1539

LFG Lease Finance Group, LLC  
P. O. Box 1027  
Sioux Falls, SD 57101-1027

Lease Finance Group, LLC  
132 West 31st Street  
14th Floor  
New York, NY 10001-3406

Lease Financial Group  
233 N Michigan Ave Ste 1  
Chicago, IL 60601-5502

Los Ranchos Del Rio  
Property Owners Assoc.  
P. O. Box 2914  
SUNLAND PARK, NM 88063-2914

Margarita Maria Mata Flores  
5019 Alabama  
El Paso, TX 79930-2601

Military Star  
Attention: Bankruptcy  
PO Box 650062  
Dallas, TX 75265-0062

New Century Mortgage Corporation  
c/o BAC Home Loans Servicing, LP  
7105 Corporate Drive  
PTX-B-35  
Plano, TX 75024-4100

Onyx Acceptance Corp (Serviced by Capital On  
P.O. Box 201347  
Arlington, TX 76006-1347

Onyx Acceptance Corp, c/o Ascension Capital  
P.O. Box 201347  
Arlington, TX 76006-1347

Pablo Aguirre Jr.  
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El Paso, TX 79912-1267

Recovery Management Systems Corporation  
25 S.E. 2nd Avenue, Suite 1120  
Miami, FL 33131-1605

Rosana Elena Monge  
51 Sierra Crest Dr.  
El Paso, TX 79902-1928

Sitework Engineering  
444 Executive Center, Ste. 134  
El Paso, TX 79902-1030

Southwest Credit Systems, L.P.  
5910 W Plano Parkway, Suite 100  
Plano, TX 75093-2202

Speesoil Inc.  
3600 Esper Drive  
El Paso, TX 79936-1373

State Farm Lloyds  
8900 Amberglen Blvd.  
Austin, TX 78729-1193

State of New Mexico  
Taxation and Revenue Department  
PO Box 8390  
Santa Fe, NM 87504-8390

State of New Mexico Taxation and  
Revenue Department  
P.O. Box 8575  
Albuquerque, NM 87198-8575

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601 Comanche Rd. N.E.  
Albuquerque, NM 87107-4103

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U.S. Trustee's Office  
615 E. Houston, Suite 533  
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San Antonio, TX 78295-1539

Vacation Break Resorts & Club  
Star Island Condominium Association  
P. O. Box 850001  
Orlando, FL 32885-0001

Verizon Wireless  
15900 Se Eastgate Way  
Bellevue, WA 98008-5757

Verizon Wireless West  
Verizon Wireless  
PO Box 3397  
Bloomington, IL 61702-3397

Wyndham Vacation Resorts  
P. O. Box 3630  
Boston, MA 02241-3630

(p)WYNDHAM CONSUMER FINANCE INC  
P O BOX 97474  
LAS VEGAS NV 89195-0001

Wyndham Vacation Resorts, Inc.  
10750 W Charleston Blvd Ste 130  
Las Vegas, NV 89135-1049

Sidney J. Diamond  
3800 N Mesa C-4  
El Paso, TX 79902-1535

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

INTERNAL REVENUE SERVICE	(d)IRS - Special Procedures Staff	Wyndham Vacation Resorts
INSOLVENCY OFFICE	Stop 5022 AUS	P. O. Box 98940
300 E.8TH ST. M/S 5026AUS	300 E. 8th Street	Las Vegas, NV 89193-8940
AUSTIN, TX 78701	Austin, TX 78701	

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Joe Jesse Monge	(d)Rosana Elena Monge	End of Label Matrix	
51 Sierra Crest Dr.	51 Sierra Crest Dr.	Mailable recipients	57
El Paso, TX 79902-1928	El Paso, TX 79902-1928	Bypassed recipients	2
		Total	59